

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

RENE TAMEZ, #22470-078

VS.

UNITED STATES OF AMERICA

§  
§  
§  
§  
§

CIVIL ACTION NO. 4:17-cv-777  
CRIMINAL ACTION NO. 4:14-cr-28(21)

**ORDER**

Movant has filed a document entitled Notice of Request, wherein he moves for appointment of counsel and also for copies of certain court records (Dkt. #3). As to Movant's motion to appoint counsel, Rule 8(c) of the *Rules Governing Section 2255 Proceedings in the United States District Courts* provides that the presiding judge shall appoint counsel for a movant if an evidentiary hearing is required and the movant qualifies for appointment of counsel under 18 U.S.C. § 3006A. The Fifth Circuit has noted that the decision to appoint counsel is committed to the sound discretion of the district court and appointment is not required unless an evidentiary hearing is necessary. *United States v. Nichols*, 30 F.3d 35, 36 (5th Cir. 1994). In the present case, the Court has not yet determined whether an evidentiary hearing will be necessary.

As for Movant's request for copies of court records "so that [he] may perfect [his] 2255 motion," a movant is not entitled to free copies of records. *Bonner v. Henderson*, 517 F.2d 135, 136 (5th Cir. 1975). Movant may purchase copies of his record from the Clerk of Court. It is accordingly

**ORDERED** Movant's motion for appointment of counsel (Dkt. #3) is **DENIED**, subject to reconsideration if the Court determines an evidentiary hearing is necessary. It is further

**ORDERED** Movant's motion for copies of court records is **DENIED**. Finally, it is

**ORDERED** the Clerk of Court provide Movant with the cost of purchasing copies of his record.

**SIGNED this 28th day of November, 2017.**

A handwritten signature in black ink, appearing to read 'C.A. Nowak', written over a horizontal line.

Christine A. Nowak  
UNITED STATES MAGISTRATE JUDGE